

## 1 HOUSE BILL NO. 439

2 INTRODUCED BY S. GALLOWAY, D. ANKNEY, M. BLASDEL, S. FITZPATRICK, G. HERTZ, S. HINEBAUCH,  
3 D. KARY, B. KEENAN, K. REGIER, M. BINKLEY, E. BUTTREY, W. GALT, F. GARNER, S. GIST, E. HILL, C.  
4 HINKLE, C. KNUDSEN, B. LER, B. MERCER, F. NAVE, M. NOLAND, J. SCHILLINGER, K. SEEKINS-  
5 CROWE, B. TSCHIDA, B. USHER, S. VINTON, K. ZOLNIKOV

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7 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LANDLORD-TENANT LAWS; PROVIDING FOR  
8 ISSUANCE OF A WRIT OF ASSISTANCE AFTER A RENTAL AGREEMENT IS TERMINATED; AND  
9 AMENDING SECTION 70-24-427, MCA."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **Section 1.** Section 70-24-427, MCA, is amended to read:

14 **"70-24-427. Landlord's remedies after termination -- action for possession.** (1) If the rental  
15 agreement is terminated, the landlord has a claim for possession and for rent and a separate claim for actual  
16 damages for any breach of the rental agreement.

17 (2) An action filed pursuant to subsection (1) in a court must be heard within 14 days after the tenant's  
18 appearance or the answer date stated in the summons, except that if the rental agreement is terminated  
19 because of noncompliance under 70-24-321(3), the action must be heard within 5 business days after the  
20 tenant's appearance or the answer date stated in the summons. If the action is appealed to the district court,  
21 the hearing must be held within 14 days after the case is transmitted to the district court, except that if the rental  
22 agreement is terminated because of noncompliance under 70-24-321(3), the hearing must be held within 5  
23 business days after the case is transmitted to the district court.

24 (3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in  
25 subsection (2) without the necessity of an undertaking.

26 (4) In a landlord's action for possession filed pursuant to subsection (1), the court shall rule on the  
27 action within 5 days after the hearing. If a landlord's claim for possession is granted, the court shall issue a writ  
28 of possession and a writ of assistance immediately. The writ of assistance must be executed by the sheriff the

1 ~~same day or no later than 24 hours after being issued by the court.;~~

2 (A) WITHIN 5 BUSINESS DAYS OF THE SHERIFF RECEIVING THE WRIT OF ASSISTANCE, EXCLUDING OF THE DATE  
3 OF RECEIPT BY THE SHERIFF; OR

4 (B) AT A TIME NO MORE THAN 5 BUSINESS DAYS AFTER THE SHERIFF RECEIVES THE WRIT OF ASSISTANCE OR  
5 AS OTHERWISE AGREED TO BY THE LANDLORD AND THE SHERIFF."

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